GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Revenue (Proh. & Excise) Department – Sri M.Bhaskara Rao, the then Prohibition & Excise Superintendent, Ongole (Now Retd.) – Disciplinary Proceedings initiated under Rule 20 of APCS (CCA) Rules, 1991 – Articles of Charges issued – Written Statement of Defence received – Further action dropped - Orders – issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.744

Dated:23-11-2021
Read the following:

1. From the CPE, A.P., Hyd., Lr No.3136/2015/CPE/A2, dt. 23.07.2015.
2. From Commr. of P&E, AP, Vijayawada Lr in Cr.No.3136/2015/CP E/A2, Dated 27.05.2019.
3. G.O.Rt.No.444, Rev (Vig.IV) Dept., dated 05.05.2020.
4. From Sri M.Bhaskara Rao, the then Proh. & Excise Superintendent, Ongole presently working as Asst. Commr., Spl. Enforcement Bureau, Visakhapatnam WSD dated 13.07.2020.
5. Govt. Memo No.CPE0CPEV(DISC)/3/2020-VIG.IV, dt:14.08.2020.
6. From CPE, AP, Vjy, Cr.No.3136/2015/CPE/A2, Dated 08.10.2021.

O R D E R :

Whereas, in the letter 1st read above, the Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada has reported that certain complaints have been received from the successful applicants of A4 shops pertaining to the (5) P&E Stations of Excise District, Ongole stating that though they have remitted 1/3rd installments of license fee on the same day of drawl of lot, no provisional licenses were issued to them by the P&E Superintendent Ongole for the reasons not known to them and recommended to the Govt., to initiate disciplinary action against Sri M.Bhaskara Rao, the then Prohibition & Excise Superintendent, Ongole for the above said lapses.

2. Government, after examining the matter, have initiated disciplinary proceedings by framing the following Article of Charges against Sri M.Bhaskara Rao, the then Prohibition & Excise Superintendent, Ongole under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 vide G.O. 3rd read above:-

Charge -1

"That the said Sri M.Bhaskara Rao, the then Prohibition & Excise Superintendent, Ongole, being a uniformed disciplined Government Servant, while functioning as P&ES, Ongole, has failed to discharge his legitimate duties in issuing provisional license to the successful applicants immediately though they have remitted 1/3rd instalment of licence fee on the same day drawl of lot i.e., on 06.07.2005 and caused loss to the Government Revenue.

Thus he has behaved in a manner which is unbecoming of such employee or derogatory to the prestige of the government and also failed to take all possible steps to ensure the integrity and devotion to duty, thereby contravened Rules 3(2) & 3(5) of the APCS (Conduct) Rules, 1964".

Charge-2

"That the charged officer being a uniformed disciplined Government servant not obeyed the instructions of the COE issued through "whats app" for issue of provisional licences and he kept deaf ear to his superior while discharging his duties.

Thus he has exhibited lack of integrity, discipline and un-becoming of a public servant and thereby contravened Rule 3 (1) of APCS (Conduct) Rules, 1964".

3. In reply to the charges, Sri M.Bhaskara Rao, the then Prohibition & Excise Superintendent, Ongole has submitted his Written Statement of Defence on the following lines:-

(i) As per the schedule notification, the selection of applications through drawl of lots to be commenced on 05.07.2015 at 10.30 AM onwards, but it was commenced at 8.30 P.M. on 05.07.2015 and concluded in the afternoon of 06.07.2015. Then he has issued

(P.T.O)

instructions to the then SHOs to return the EMD Drafts to unsuccessful applicants of A4 Shops with proper acknowledgement and directed them to collect 1/3rd amounts from the successful applicants and to submit remittances particulars of A4 Shop wise respectively so as to send report to superiors/HOC.

(ii) Soon after receipt of remittance particulars of 1/3rd payment of successful applicants, the same should be verified at clerical level basing on 1/3rd demand of respective shop and details of successful applicant with reference to selected application signed by the selection authority. The section clerk concerned is to prepare file by preparing note and get it approved by Proh. & Excise Superintendent for issue of 'Provisional license' for each file.

(iii) Keeping in view of license files, the scrutiny and check of remittances by the section concerned, details of successful applicants for each file, it would take at least (15) minutes at section level, and then circulated to him for perusal and approval to issue 'Provisional Licenses' and then to prepare Provisional License, which means the files were to circulate twice. All these procedure followed in each office at office section level to officer's desk.

(iv) Even though there is a lengthy process, he sits in the office till the late night and issued all the 43 provisional licenses which were in complete shape by fulfilling all the statutory formalities.

4. With regard to the Charge-II, Sri M.Bhaskara Rao, the then Prohibition & Excise Superintendent, Ongole has submitted that he did not receive any whatsapp message for issue of provisional licenses from the Director of Enforcement on 05.07.2015.

5. The Commissioner, P&E, in his letter 6th read above, has furnished the remarks on the Written Statement of defence of Sri M.Bhaskara Rao, the then Prohibition & Excise Superintendent, Ongole:-

1. It is a fact that the process of selection for the applicants through lots was delayed due to administrative reasons.
2. There were no complaints from the successful applicants that the licensing authority has delayed Provisional licenses.
3. As seen from the Provisional licenses, the Charged Officer has indeed issued (43) Provisional licenses on the day of the auction itself or immediately after selection.
4. It is also a fact that there was no revenue loss to the Government during the particular license period.
5. It is also a fact that no audit para has been raised by the Audit department during the said year.
6. The Charged Officer has already retired from service on attaining the age of superannuation.

6. Therefore, after careful examination of the entire matter, Government have decided to and accordingly, hereby drop further action against Sri M.Bhaskara Rao, the then Prohibition & Excise Superintendent, Ongole and now Asst. Commissioner, Special Enforcement Bureau, Visakhapatnam (Retd.), in this matter.

7. The Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada, shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri M.Bhaskara Rao, the then Prohibition & Excise Superintendent, Ongole and now Asst. Commr, Spl.Enforcement Bureau, Visakhapatnam (Retd). *(through the Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada).*
The Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada.
Copy to:
The Accountant General, A.P., Vijayawada.
Sf/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER